

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:11-CR-52-HSM-SKL-1
)	
DOMINIC POINTER,)	
)	
Defendant.)	

ORDER

By a standing order entered on February 11, 2016, the Court has instructed the Federal Defender Services (“FDS”) to “identify defendants with a claim for relief under [*Johnson v. United States*, 135 S. Ct. 2551 (2015)]” and appointed FDS to “represent any defendant who seeks relief under § 2255 in light of *Johnson*.” See E.D. Tenn. SO-16-02 (Feb. 11, 2016). The order also provides for the appointment of substitute CJA counsel in cases where a conflict of interest prevents FDS from fulfilling its obligations. *Id.* FDS has notified the Court of such a conflict [Doc. 38] and the Court agrees that Mr. Pointer’s prior filed petition [E.D. Tenn. Case No. 1:12-cv-272-HSM] requires that substitute counsel be appointed.

Mr. Pointer was previously determined to lack sufficient funds for private retention of an attorney [Docs. 6, 7]. The Court notes that he has been incarcerated since that time and therefore still lacks the financial means to retain counsel for the purpose of evaluating his eligibility for *Johnson*-based collateral relief. Accordingly, the Court **APPOINTS** CJA Attorney **Gene Shiles** for the limited purpose of reviewing Mr. Pointer’s case to determine whether or not he is entitled to relief under *Johnson* and, if counsel finds that Mr. Pointer is entitled to such relief, filing a timely amendment or supplement to that effect. Should counsel conclude that no good faith

argument for relief under *Johnson* can be made, he is instructed to notify Mr. Pointer and the Court. This Order should not be construed as a determination of entitlement to relief.

In order to ensure the appropriate individuals receive notice, the Clerk is **DIRECTED** to notify Beth Ford at FDS and newly appointed counsel by way of CM/ECF system notice, and mail a copy of the Order to Mr. Pointer at his last known address.

IT IS SO ORDERED.

s/ *Susan K. Lee*

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE